

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

UNITED STATES OF AMERICA

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2007 FEB 20 P 2:35

V.

CR. NO. 2:06cr260-WKW
REG'D BY HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CHRISTOPHER A. WASHINGTON,

MOTION TO SUPPRESS

Comes now, Christopher A. Washington, Defendant in the above styled case and moves this Court for an order suppressing certain evidence seized on November 9, 2006 and in support thereof respectfully shows the Court as follows:

(1) On November 9, 2006, the Defendant, Christopher A. Washington, was arrested in Montgomery, Alabama and charged with violating Title 18, United States Code, Section 922(g)(1), unlawful possession of a firearm by a convicted felon.

(2) That on November 5, 2006, the Montgomery Alabama Police Department found a CN ROMARM 7.62 X 39 MM, Model GPWASR-10 assault rifle serial number SAP-2295-77 and two banna clips in a white Chevy Pickup truck, in the area of Amanda Lane and Manley Drive, Montgomery, Alabama.

(3) On November 9, 2006, the Defendant was arrested just south of 1817 Kansas Street, Montgomery, Alabama shortly after he had exited a green Isuzu Rodeo Sport Utility Vehicle.

(4) No weapon was found in the Defendant's possession at the time of his arrest.

(5) The stopping of the Defendant, while driving the green Isuzu Sport Utility Vehicle and his subsequent arrest, was without probable cause and without a search warrant.

(6) The search of the green Sport Utility Vehicle occupied by the Defendant and the search of the Defendant himself was in violation of the Fourth Amendment of the Constitution of the United States codified to wit:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supposed by Oath or affirmation, and particularly described the place to be searched, and the persons or things to be seized.”

(7) The stopping of the Defendant’s vehicle and subsequent search was unreasonable and violative of the aforementioned constitutional safeguards.

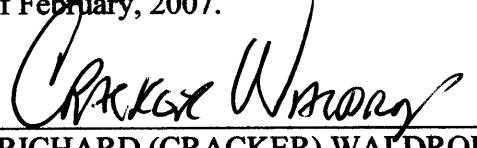
(8) Said Defendant is adversely affected by the violation of said constitutional rights in that he presently stands charged with the possession of a firearm by a convicted felon and if convicted could be sentenced to serve a period of years in the United States Penitentiary.

(9) Defendant shows that the Court should order that all evidence seized as a result of said illegal search be suppressed and that the United States Attorney, his agent, any police officer, or any witness be instructed not to mention, allude to or otherwise call the attention to the jury of the existence of any contraband so illegally seized.

(10) That at the time of the interrogation of the Defendant, by law enforcement officers, he was under the influence of alcohol and mind altering drugs.

WHEREFORE, this Defendant demands that the evidence obtained by virtue of the aforementioned illegal search and seizure be suppressed and that the United States Attorney, his agents, police officers and any other witness called by the United States to testify against the Defendant in the above cases be enjoined and restrained from mentioning, alluding to, identifying, or otherwise calling the attention to the jury of the existence of said contraband and statements made by Defendant.

Respectfully submitted this the 20 day of February, 2007.


RICHARD (CRACKER) WALDROP
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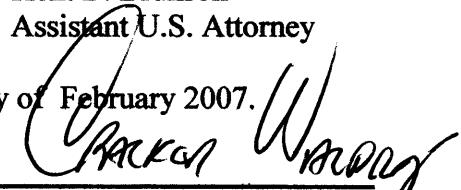
CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by mailing a copy to the United States Attorney at the address of:

Leura G. Canary
United States Attorney

Kent B. Brunson
Assistant U.S. Attorney

Respectfully submitted this 20 day of February 2007.


Richard (Cracker) Waldrop
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V.

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U.S. DISTRICT COURT

CHRISTOPHER A. WASHINGTON,

*

MIDDLE DISTRICT ALA

AFFIDAVIT IN SUPPORT OF
MOTION TO SUPPRESS

My name is Christopher A. Washington, and I am the Defendant in the above-numbered case, which charges me with unlawful possession of a firearm by a convicted felon.

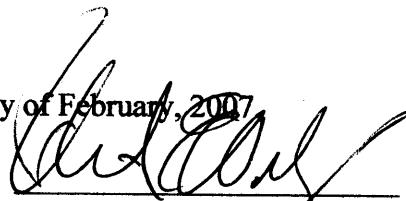
I was arrested on the above-mentioned charge on the 9th day of November, 2006.

At the time of my arrest and interrogation on said charge, I was under the influence of alcohol and mind altering drugs, namely, marijuana; promazine; codeine, and tussinex, and I was not in my right mind when I signed the paper Officer Green put in front of me. I did not understand that I had the right to have an attorney present while the Officer was asking me questions.

I give this Affidavit in connection with a motion which has been filed in my case asking the Court to direct the United States Attorney and any law enforcement officer be enjoined and restrained from mentioning, alluding to, identifying, or other wise calling the attention to the jury of the existence of any items seized as contraband, and any statements made by me, without the presence of an attorney.

Christopher Washington
Christopher A. Washington
Defendant

Sworn to and subscribed before me this 20 day of February, 2007


Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA
MY COMMISSION EXPIRES: Nov 7, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS